

**IN THE JUSTICE OF THE PEACE COURT OF
THE STATE OF DELAWARE, IN AND FOR KENT COUNTY
COURT NO. 16**

**COURT ADDRESS:
480 BANK LN
DOVER DE 19904**

CIVIL ACTION NO: JP16-09-005876

BRIGHTWAY COMMONS VS LICTORIA BRYANT

**SYSTEM ID: FA1843
K'KEENYA WOODS
C/O BRIGHTWAY COMMONS APTS
200 TULLWAY DRIVE
MILFORD DE 19963**

NOTICE OF COURT ACTION

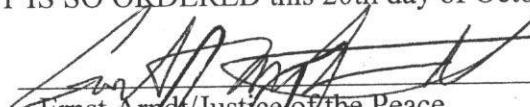
The Court has conducted a trial *de novo* pursuant to 25 *Del. C.* §5717(a) on Civil Action JP16-09-005876. The three judge panel was composed of Judge Arndt, Judge Murray, and Judge Wall. The Plaintiff is seeking possession and debt for a period that is alleged that the Defendant underreported her income. The Defendant's income determines the amount of rent based on the HUD formula. It was not disputed that there was a deficiency based on under reporting of income. It was undisputed that the Defendant received workman's compensation in the amount of \$190.00 per week. Further it is undisputed that the Defendant paid \$200.00 against the original charge. The payment was made by a third party. The remainder of the debt is \$702.00.


There are flaws in the case for possession. The notice sent to the defendant is fatally flawed. It omitted the amount of debt. Also there was no evidence or testimony with the notice requirements at 25 *Del C.* §5113. There was no evidence that the Plaintiff had complied with the HUD requirements dealing with deficiencies and defaults of the lease.

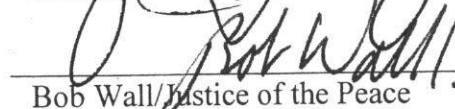
Finally, by the Plaintiff's own admission this action was filed at least twice previously and voluntarily dismissed by the Plaintiff. Pursuant to Justice of the Peace Civil Rule 41(a), the Plaintiff is barred as *res judicata* from pursuing this case.

This civil action JP16-09-005876 is dismissed with prejudice. The panel is unanimous in its verdict and announced its verdict and rationale in open court.

IT IS SO ORDERED this 20th day of October, 2009

 (SEAL)
Ernst Arndt/Justice of the Peace

 (SEAL)
James A. Murray/Justice of the Peace

 (SEAL)
Bob Wall/Justice of the Peace